

# UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO AT

UNITED STATES OF AMERICA

V.

JAMES L. WHEELER

## AMENDED JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 3:03CR739-01

USM NUMBER: 01227-017

DATE OF ORIGINAL JUDGMENT: 1/5/2005

(OR DATE OF LAST AMENDED JUDGMENT)

ANDY HART

DEFENDANT'S ATTORNEY

### REASON FOR AMENDMENT:

- ☒ CORRECTION OF SENTENCE PURSUANT TO OPINION OF 6TH CIRCUIT US COURT OF APPEALS FILED 8/1/2008
- ☐ REDUCTION OF SENTENCE FOR CHANGED CIRCUMSTANCES (FED. R. CRIM. P. 35(B))
- ☐ CORRECTION OF SENTENCE BY SENTENCING COURT (FED. R. CRIM. P. 35(A))
- ☐ CORRECTION OF SENTENCE FOR CLERICAL MISTAKE (FED. R. CRIM. P. 36)

- ☐ MODIFICATION OF SUPERVISION CONDITIONS (18 U.S.C. §§ 3563(c) OR 3583(E))
- ☐ MODIFICATION OF IMPOSED TERM OF IMPRISONMENT FOR EXTRAORDINARY AND COMPELLING REASONS (18 U.S.C. § 3582(c)(1))
- ☐ MODIFICATION OF IMPOSED TERM OF IMPRISONMENT FOR RETROACTIVE AMENDMENT(S) TO THE SENTENCING GUIDELINES (18 U.S.C. § 3582(c)(2))
- ☐ DIRECT MOTION TO DISTRICT COURT PURSUANT TO
  - ☐ 28 U.S.C. § 2255 OR ☐ 18 U.S.C. § 3559(c)(7)
- ☐ MODIFICATION OF RESTITUTION ORDER (18 U.S.C. § 3664)

### THE DEFENDANT:

- ☐ pleaded guilty to count(s): \_\_.
- ☐ pleaded nolo contendere to counts(s) \_\_ which was accepted by the court.
- ☒ was found guilty on count(s) 1-3 of the Indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

#### Title & Section

21 USC 841(a)(1) & 846

#### Nature of Offense

Conspiracy to possess with intent to distribute cocaine methamphetamine, LSD, marijuana, ecstasy & valium

#### Offense Ended

4/8/2003

#### Count

3

The defendant is sentenced as provided in pages 1 through 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. All other aspects of the Judgment dated 1/5/05 remain in full force and effect.

[x] The defendant has been found not guilty on count 4 and is discharged as to such count.

[✓] Counts 1 & 2 of the indictment are dismissed pursuant to the opinion of the 6<sup>th</sup> Circuit US Court of Appeals.

IT IS ORDERED that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and the United States Attorney of any material change in the defendant's economic circumstances.

6/19/2009  
Date of Imposition of Judgment

Signature of Judicial Officer

DAVID A. KATZ, United States Senior Judge

Name & Title of Judicial Officer

6/19/09  
Date

2009 JUN 19 AM 10:01  
 CLERK U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF OHIO  
 TOLEDO

CASE NUMBER: 3:03cr739-01  
DEFENDANT: James L. Wheeler

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## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of life as to Count 3, pursuant to the opinion of the 6<sup>th</sup> Circuit US Court of Appeals filed 8/1/2008, Counts 1 & 2 are dismissed.

- ☒ The court makes the following recommendations to the Bureau of Prisons:  
That the defendant be designated to Federal Correctional Institution located in Terre Haute Indiana or closest to his family in Indianapolis, Indiana.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district.  
☐ at \_\_\_ on \_\_\_\_.  
☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  
☐ before 2:00 p.m. on \_\_\_\_.  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal